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JUVENILE COURTS AND PROBATION IN PHILADELPHIA

BY HON. WILLIAM H. STAAKE,
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When I was honored by being invited to participate in a "discussion" this evening, I came here, as you see by this envelope, loaded with some material that I thought I might seek to use in the way of discussion. I did not understand the invitation as meaning that each gentleman was to speak for himself, but that we were to discuss with each other.

I did learn something this evening from Dr. Hart, and that is that there is such a thing as the Forefathers' Society of the juvenile movement, and that these honorable, venerable men consist of Messrs. Hurd, Lindsey, Tuttle and Dr. Hart. I think they might possibly call themselves the grandfathers of the movement, and then allow some place for Judge Mack and others, who might come in the category of fathers. Does not the origin go a little higher up than any of the fathers within our recollection, and, after all, does not it really come from the great Father of all, who, in his revelation of Himself to us, has said, "Suffer the little children to come unto me and forbid them not"?

Now, I have some recollection of seeing a subject on various toast pages of menus and on sundry programs, namely, the word "Ourselves," and possibly as each of those who have preceded me has spoken about the conditions in their respective localities, I might be pardoned if I said something about Pennsylvania, and especially of Philadelphia, in connection with "juvenile courts" and "probation."

To go into the history of children's courts or the juvenile court movement would possibly carry us back—as Judge Mack showed us at Detroit last August—to the courts of chancery in England, to the children's court in New York, to the early movement in Massachusetts, to the well-framed law in Illinois and finally we might come to the history of the movement in Pennsylvania. I desire at this time to say, all honor to the good and noble women,

whose intelligent, energetic work brought about the legislation of 1901 in Pennsylvania. Although this legislation had its birth amid tribulation, because the legislation of 1901 was afterward decreed to be unconstitutional, these faithful women were not discouraged by that, but persisted most earnestly, most intelligently and very energetically, until there came the act of 1903, and that with certain supplements is the law under which the juvenile court operations in this city are conducted to-day. I would like to call your attention, ladies and gentlemen, to a passage in that law that occurs in six places—possibly even those of you who have studied the law may not have had your attention specially called to it.

The act begins, "An act defining the powers of the several courts of Quarter Sessions of the Peace within this Commonwealth, with reference to the care, treatment and control of dependent, neglected, incorrigible and delinquent children under the age of sixteen years, and providing for the means in which such power may be exercised," and then it says at the very beginning, "Whereas, the welfare of the state demands that children should be guarded from association and contact with crime and criminals, and the ordinary process of the criminal law does not provide such treatment and care and moral encouragement as are essential to all children in the formative period of life, but endangers the whole future of the child, and whereas experience has shown that children lacking proper parental care or guardianship are led into courses of life which may render them liable to the pains and penalties of the criminal law of the state, although, in fact, the real interest of such child or children requires that they be not incarcerated in penitentiaries and jails as members of the criminal class, but be subjected to a wise care, treatment and control," and so on, and in a second place I find that, "The good of the child and the interest of the state do not require a prosecution . . . under indictment under the criminal laws of the Commonwealth." In a third place, "The good of the child and the interest of the state do not require prosecution," and, fourth, "The good of the child and the interest of the state do not require," and turning over I find still again, "The child's own good and the best interests of the state," and in another place, in Section 10, "Unless after the care and oversight given such child under the probation system under this act, the court finds that the best interests of the child and the welfare of the community

demand." I call special attention to these citations because it is, after all, friends, a question of the welfare of the child and the best interests of the state which concern us.

It is further, in my humble judgment, a question of deep human sympathy. It is the real, true application of what we ought to mean by the Fatherhood of God and the brotherhood of man. I see before me in this audience a gentleman who a number of years ago first gave me an inspiration on the subject of the necessity of uniformity of legislation in the Commonwealth and nation, and as I listened to the presentations this evening, oh! how I longed for uniformity in the administration of the laws of the juvenile court, uniformity in the treatment of juvenile offenders. I often wonder how it is that one course or method of treatment could be pursued in one jurisdiction as being the very best treatment which could be pursued, and then I turn over the pages of the statute books, or read very interesting articles in the *Survey*, formerly the *Charities and Commons*, and find there is the greatest amount of disagreement among legislators and students as to what is really the very best method of treatment of juvenile offenders, and of the administration of juvenile courts. To-day, in this good old Commonwealth of ours, there exists the very same difference of opinion. I remember when that good, gifted woman who bore on her shoulders for so many years the most of the labor in connection with the introduction and administration of juvenile legislation, said to me there was danger that the probation movement might get into politics, when I suggested that I thought it was very wrong that applications should have to be made in this community to the Mothers' Council of Frankford, the Second Presbyterian Church, the Archdiocese of Philadelphia and to other associations and individuals, like dear old Dr. Duhring, of the Episcopal City Mission, to make up the salaries of probation officers. I said that in my judgment this was all wrong, and if the community could afford to pay the tipstaves of its various courts it could afford to pay the probation officers, who were also court officers. The court has in many cases to lean upon these officers, to trust in their good judgment, the accuracy of their reports, their integrity, their allegiance, and their fidelity in carrying out the orders and directions of the court; then why should they have a divided allegiance: first, to those who actually paid their salaries; second, to those who secured such payment, and then have

only the balance of their allegiance for the court? I thought this was all wrong and I am free to confess that I was one of those who took an earnest part in securing the payment of these hard-working officers out of the public treasury.

Again, there is a difference of opinion as to how we should treat juvenile offenders in the exercise of probationary efforts. We are told that the great State of New York has the commission form of supervision, that courts cannot properly administer the law, that children should not be committed to reformatories, etc. We are told in a decision in the State of New York that probation is a judicial function. Since then I have seen it heralded in print that it is not. Again, I have read that it is a deprivation of a constitutional right to have a child brought into court and dealt with, as in the juvenile courts, but that it should have a right of trial by jury. Thus we see there are these very honest, earnest differences of opinion as to how best to control and administer the juvenile court, but there are a number of things about which we can agree, and about which there cannot possibly be any difference at all, and that is to insist that the administration of the court be with a sense of human sympathy, to feel when you are dealing with these erring boys and girls that you are dealing with those who, if properly cared for, will become the future respected men and women, the future good and useful citizens of the Commonwealth and of the community. Let us deal with them with a smile of encouragement, be free with the encouraging hand upon the shoulder, look the child in the eye with a kindly glance, and say the helpful word, the word which will give the child an uplift.

I have heard it said that years ago a certain then judge, who later was also an eminent practitioner at the bar, had saved many young lawyers from absolute discouragement, because, when he would meet them on the street he would take off his hat to them with a hearty greeting of "Good morning, Counsellor!" The young man would feel that that word of recognition meant something to him—it revived his hope and kindled his ambition. These attentions cost nothing and they are often helpful. So I say about our delinquent boys and girls, do not talk about being big sisters and big brothers to them, but set about being their big brothers and sisters. Visit your neighboring social centers and college settlements, and make your sympathy and interest actualities. Go as the Israelites do at

the "Young Women's Union" and labor with and among the children. Go into the juvenile courts and see how proceedings are conducted, and if there is anything worthy of just criticism, go to the judge and talk to him, and if you do not want to do that, write to him and give him the benefit of your good counsel. I think much can be and has been accomplished by probation.

Some months ago, some time prior to the time we had laws providing for adult probation in this Commonwealth, I took upon myself the responsibility of suspending sentence in certain cases, and making myself a probation officer, feeling these were cases where the men were not of the professional criminal class, but had yielded to a sudden temptation, and had wives and children depending upon them. Was I to put the prison stigma on a man by sending him to prison and thus place the same stigma upon the wife and children? Too often when you put that stigma on the man, the wife and children have to bear the brunt of it. I decided I would experiment in the cases of certain men, and I have piles of letters from them, showing I made no mistake in my experimentation. They never fail to write to me on the first day of every month, and there is not one of these men who is not doing well to-day in honest employment, leading a right life and doing all that I could ask him to do.

Now, I am running beyond my time, I do not doubt, but I would like you, good fellow citizens of mine, to carry away one thought, that there is a great deal of truth in the old saying, "Satan finds mischief for idle hands to do." It is idleness that very often leads to truancy and delinquency. Lately I have done some work in connection with the playground movement, which, in my judgment, is one of the greatest philanthropic movements of the age. In one of the reports of the grand jury of Philadelphia, it says, "The opening of the new House of Detention emphasizes the duty of municipal governments to guard against juvenile crime in this city. The question of juvenile delinquency has been demanding attention. Chicago has spent over \$11,000,000 for playgrounds." I wish I could give you my Chicago experiences as a member of the "Playground Commission" in regard to that expenditure. In New York \$16,000,000 have likewise been expended within a similar period. One playground alone cost \$1,811,127, a block of tenement houses having been torn down to make way for it. In Chicago, play-

grounds and recreation centers have been accomplished at a cost of less than \$2 per each \$10,000 of assessed valuation. Experience teaches that the most economic scheme for handling crime is that which prevents, rather than that which, at fearful expense, is merely the engine to convict and punish after crime has been an established fact.

As the return in dollars is more or less invisible it is difficult for some people to appreciate the necessity for public playgrounds. Where the parents are, as in many cases, the sole source of support, they should not be blamed for the delinquency of the child, for the responsibility is the responsibility of the entire community. The founder of the juvenile system in the United States has declared "it is no longer a question," and as a judge I will say it is no longer a question "that playgrounds do more to prevent crime than jails, courts and policemen." The presentment further said: "A judge of Philadelphia likewise called attention to the fact that an adequate system of playgrounds will work a change in our children, will change the petitions to and the demands on the juvenile court. The playgrounds have been the greatest safeguard against lawlessness among children." This I sincerely believe. Within the next few weeks there will be presented to the Mayor and members of Councils of this city the report of the Commission on Public Playgrounds. I believe you will find it of great interest, not only in its text, but in its illustrations, and of practical interest in its plans and recommendations. I want to beseech for it that you will give it your attentive, your intelligent, and I would say with deep reverence, your prayerful consideration, because I believe, and the lesson has come home to me especially through the past three or four weeks of strike troubles, in reading the accounts each day of the offenses of the juvenile element in Philadelphia, that it is true, as was stated by one of our journals, that if we had had a system of playgrounds and recreation centers in Philadelphia, we would have had much less disorder and much less unrest than we have witnessed.